

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

DONALD MITCHELL,)	
)	
Petitioner,)	2:11-cv-01686-JCM-PAL
)	
vs.)	ORDER
)	
BRIAN WILLIAMS, <i>et al.</i> ,)	
)	
Respondents.)	
	/	

This is a habeas corpus petition pursuant to 28 U.S.C. § 2254 in which petitioner, a state prisoner, is proceeding *pro se*. Before the court is respondents' motion to dismiss (ECF #10), which was filed on January 17, 2012. Petitioner has not opposed the motion or responded in any manner whatsoever, despite having received notice from the court of the requirements of *Klinge v. Eikenberry* and *Rand v. Rowland* on January 18, 2012 (ECF #12).

In the motion to dismiss, respondents contend that the petition must be dismissed with prejudice as untimely (ECF #10).¹ See 28 U.S.C. § 2244(d). Respondents also argue that several claims are procedurally barred on independent and adequate state law grounds. *Coleman v. Thompson*, 501

¹ The court notes that the exhibits provided by respondents appear to demonstrate that the petition is indeed untimely.

1 U.S. 722, 730-31 (1991). Pursuant to the provisions of Local Rule 7-2(d), petitioner's failure to respond
2 to the motion is a concession on his part that the arguments are valid. Therefore, the motion to dismiss
3 shall be granted.

4 **IT IS THEREFORE ORDERED** that respondents' motion to dismiss the petition with
5 prejudice (ECF #10) is **GRANTED**.

6 **IT IS FURTHER ORDERED** that the clerk shall **ENTER JUDGMENT** accordingly
7 and close this case.

8 DATED April 11, 2012.

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11 UNITED STATES DISTRICT JUDGE
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